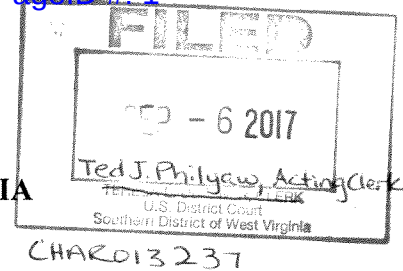


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION



ANTHONY STEPHENS,

Plaintiff,

v.

Civil Action No. 3:17-3930
(formerly Civil Action No: 17-C-437)

CHOICE HOTELS INTERNATIONAL, INC.,
CHOICE HOTELS INTERNATIONAL SERVICE CORP.,
H. I. HERITAGE INN OF HUNTINGTON, INC.,
d/b/a BARBOURSVILLE COMFORT INN, and
T.M.I. HOSPITALITY, INC.,

Defendants.

NOTICE OF REMOVAL

NOW COME Defendants Choice Hotels International, Inc., Choice Hotels International Service Corp., C.I. Heritage Inn of Barboursville, LP (successor to H.I. Heritage Inn of Huntington, Inc., d/b/a Barboursville Comfort Inn), and T.M.I. Hospitality, LP (successor to T.M.I. Hospitality, Inc.) (collectively "Defendants"), by counsel, Robert A. Lockhart and Cipriani & Werner, P.C., pursuant to 28 U.S.C. § 1446, and hereby give notice that, on the grounds set forth below, they are removing the above-styled action from the Circuit Court of Cabell County, West Virginia to the United States District Court for the Southern District of West Virginia. In support, Defendants state as follows:

1. This civil action was commenced by the Plaintiff Anthony Stephens against Defendants on or about August 3, 2015, by the filing of a Complaint in the Circuit Court of Cabell County, West Virginia, designated Civil Action No. 17-C-437. (See Summons and Complaint attached hereto as "**Exhibit 1**").

2. The Summons and Complaint were served on Defendants by certified mail, return receipt requested, on August 7, 2017 (Choice Hotels International, Inc. and Choice Hotels International Service Corp.), August 7, 2017 (C.I. Heritage Inn of Barboursville, LP) and August 8, 2017 (T.M.I. Hospitality, LP). Accordingly, this Notice of Removal is being filed within thirty (30) days after the receipt by Defendants of the Complaint, and less than one year after the Complaint was filed. *See* 28 U.S.C. § 1446(b).

3. In accordance with 28 U.S.C. § 1446(a), the Summons and the Complaint constitute all the process, pleadings and orders served upon them affecting removal. A certified copy of the Docket Sheet for Civil Action No. 17-C-437 in the Circuit Court of Cabell County, West Virginia, is attached hereto as “**Exhibit 2.**”

4. A true and correct copy of this “Notice of Removal” will be filed promptly with the Circuit Clerk of Cabell County, West Virginia, and written notice thereof given to counsel for Plaintiff in accordance with 28 U.S.C. § 1446(b). The “Notice to Plaintiffs and Circuit Court of Filing of Notice for Removal” is attached hereto as “**Exhibit 3.**”

5. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1332(a).

6. Venue of this removal is proper under 28 U.S.C. § 1441(a) in the United States District Court for the Southern District of West Virginia because the Circuit Court of Cabell County is within the Southern District.

COMPLETE DIVERSITY EXISTS

7. The Complaint alleges that the Plaintiff is a resident of the State of West Virginia. See Attachment to Complaint.

8. Choice Hotels International, Inc. is a foreign corporation with its principal place of business in Rockville, Maryland. Complaint, ¶ I.

9. Choice Hotels International Service Corp. is a foreign corporation with its principal place of business in Rockville, Maryland. Complaint, ¶ II.

10. C. I. Heritage Inn of Barboursville, LP, as a successor to H.I. Heritage Inn of Huntington, Inc., is a foreign company with its principal place of business in Fargo, North Dakota. Complaint, ¶ III.

11. T.M.I. Hospitality, LP is a foreign company with its principal place of business in Fargo, North Dakota. Complaint, ¶ IV.

THE AMOUNT IN CONTROVERSY REQUIREMENT IS SATISFIED

12. The Complaint alleges damages in the amount of \$125,000. Complaint, p. 3.

13. The removal of the above-captioned civil action from the Circuit Court of Cabell County to the United States District Court of the Southern District of West Virginia is proper.

WHEREFORE, Defendants pray that the service and the filing in this Honorable Court of this Notice of Removal, with notice to the Plaintiff and the Circuit Court of Cabell County, West Virginia, shall effect the removal of this action from the Circuit Court of Cabell County, West Virginia, to the United States District Court for the Southern District of West Virginia.

**CHOICE HOTELS INTERNATIONAL, INC.,
CHOICE HOTELS INTERNATIONAL
SERVICE CORP., C. I. HERITAGE INN OF
BARBOURSVILLE, LP and T.M.I.
HOSPITALITY, LP**

By Counsel

A handwritten signature in cursive script, appearing to read "Robert A. Lockhart", is written over a horizontal line.

Robert A. Lockhart, Esquire (WVSB #4657)

CIPRIANI & WERNER, P.C.

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FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

ANTHONY STEPHENS,

Plaintiff,

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**Civil Action No. 3:17-cv-3930
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Defendants.

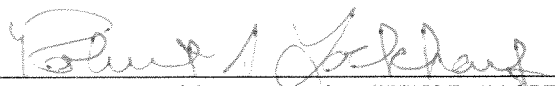
CERTIFICATE OF SERVICE

I Robert A. Lockhart, Counsel for Defendants, hereby certify that on September 6, 2017, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filings to the following CM/ECF participants:

Mark Hobbs, Esquire (WVSB #1744)
Post Office Box 974
Chapmanville, West Virginia 25508
hobbslaw82@frontier.net

I hereby certify that I have also mailed the documents by United States mail to the following participants:

Mark Hobbs, Esquire (WVSB #1744)
Post Office Box 974
Chapmanville, West Virginia 25508
hobbslaw82@frontier.net


Robert A. Lockhart, Esquire (WVSB #4657)